IN THE HIGH COURT OF JUDICATURE FOR

RAJASTHAN AT JODHPUR

:::

O R D E R

Rai Singh
Vs.
The Judge, I.T. Cum-L.C.
Udaipur & Ors.

S.B. CIVIL WRIT PETITION NO.4151/2002
UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

DATE OF ORDER :: 29th August, 2006

PRESENT

HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Mr.Sanjay Mathur, for the petitioner.
Mr.Rameshwar Dave, Dy.Govt. Advocate for the respondent.

BY THE COURT

Under challenge in this writ petition is the award dated 21st May, 2001 passed by Industrial Tribunal-cum-Labour Court, Udaipur (for short the 'Tribunal'). An industrial dispute was referred to the learned Tribunal by the appropriate Government vide its order dated 31st January, 1997 to the effect whether

removal of the petitioner-workman by the respondent-management was legal and justified even though he had worked with them for the period from 21.07.1990 to 10.10.1995 and if not want relief the workman was entitled to.

Upon examination of the evidence on record and hearing of the parties, the learned Tribunal in the impugned award concluded that even though it was proved that retrenchment of the petitioner-workman was made in violation of provisions of Section 25-F of the Industrial Disputes Act (for short the 'Act'), but the Tribunal instead of directing reinstatement of the petitioner held him entitled to lump sum compensation of Rs.32,000/-. The Tribunal in doing so has taken into consideration the fact that the petitioner was initially engaged as a part time employee with the respondent-management @ Rs.200/- per month and subsequently this amount was increased to Rs.400/- per month. It was noted that appointment of the petitioner was not made by any regular mode of selection, inasmuch as no regular nature of work was available with the respondent so as to continue the petitioner in their employment. The Tribunal has also noted that the age of the petitioner was only 25 years when his services were put to an end. Taking into consideration the amount of wages which the petitioner was receiving as a part time employee, the Tribunal calculated the

lump sum compensation of Rs.32,000/- and held him entitled to payment of lump sum compensation in lieu of reinstatement.

Having heard learned counsel for the parties and carefully examined the award passed by the learned Tribunal, I do not find any error apparent on the face of record in the impugned award.

The writ petition is therefore dismissed. There shall be no order as to costs.

[MOHAMMAD RAFIQ],J.

Ashwini/-